



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

REVISED

October 16, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**RECOMMENDATION TO PROVIDE LEGAL REPRESENTATION FOR TWO
CLINICAL PSYCHOLOGISTS AND THE CHIEF OF PSYCHOLOGICAL SERVICES IN
THE CHIEF EXECUTIVE OFFICE FOR ADMINISTRATIVE PROCEEDINGS
BROUGHT BY THE CALIFORNIA BOARD OF PSYCHOLOGY
(ALL DISTRICTS) (3-VOTES)**

SUBJECT

Request to provide legal representation for two clinical psychologists and the Chief of Psychological Services in the Chief Executive Office for administrative proceedings brought by the California Board of Psychology.

IT IS RECOMMENDED THAT THE BOARD:

1. Provide legal representation for two clinical psychologists and the Chief of Psychological Services for administrative proceedings brought by the California Board of Psychology.
2. Find that the administrative proceedings are brought on account of acts or omissions in the scope of the clinical psychologists' and the Chief of Psychological Services' employment as employees of the County of Los Angeles Chief Executive Office.
3. Find that the defense of the clinical psychologists and the Chief of Psychological Services would be in the best interests of the County.

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

4 October 16, 2012

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
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4. Find that the clinical psychologists and the Chief of Psychological Services acted in good faith, without actual malice, and in the apparent interests of the County.
5. Direct County Counsel to secure legal representation, at the County's expense, for two clinical psychologists and the Chief of Psychological Services in the Chief Executive Office.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS:

This Office is seeking Board approval to provide legal representation for two clinical psychologists and the Chief of Psychological Services who have been requested to respond to a California Board of Psychology inquiry inquiries regarding alleged conduct with an applicant for a position with the County during the process of a pre-placement psychological evaluation, and conduct with an existing County employee during the process of a psychological re-evaluation.

The first clinical psychologist consulted with the Chief Executive Office, Chief of Psychological Services, following the evaluation. Based on the psychological tests conducted, the interview, and the applicant's response, the decision was made to disqualify the applicant. The applicant subsequently filed a complaint with the California Board of Psychology.

The second clinical psychologist consulted with the Chief Executive Office, Chief of Psychological Services, following the evaluation. Based on the psychological tests conducted, the interview, the employee's response, and review of relevant medical and psychological records, the decision was made that the employee was not fit for duty. The department was advised of this and it was recommended that the department take appropriate administrative action.

The Chief of Psychological Services has reviewed the specific allegations in both cases and confirms that the actions taken and the questions asked are appropriate and necessary in order to conduct a thorough psychological evaluation.

Both clinical psychologists and the Chief of Psychological Services are employed by the County of Los Angeles and were acting in the course and scope of their employment. Our review reveals no indication that either clinical psychologist or the Chief of Psychological Services acted in bad faith or with actual malice. Rather, it appears that both clinical psychologists and the Chief of Psychological Services acted in good faith, without actual malice and in the apparent interests of the County of Los Angeles.

It is necessary to quickly and aggressively respond to the inquiries in order to ensure its appropriate resolution. The California Board of Psychology requires a response by October 23, 2012 for two of the individuals in the first case and October 24, 2012 for one of the individuals in the second case.

Implementation of Strategic Plan Goals

The recommended actions support the County's Strategic Plan Goal No. 1, Operational Effectiveness, by ensuring that the committed efforts of our staff are recognized and defended when challenged.

FISCAL IMPACT/FINANCING

The costs for providing legal representation should not exceed \$20,000 for both clinical psychologists and the Chief of Psychological Services. Funds will be allocated from the Chief Executive Office's existing operating budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Government Code Section 995.6 provides that the County is not required to provide for the defense of an administrative proceeding brought against a County employee, but the County may provide for such defense if:

- (a) The administrative proceeding is brought on account of an act or omission in the scope of his employment as an employee of the public entity; and
- (b) The public entity determines that such defense would be in the best interests of the public entity and that the employee acted, or failed to act, in good faith, without actual malice and in the apparent interests of the public entity.

IMPACT ON CURRENT SERVICES (OR PROJECTS):

None.

The Honorable Board of Supervisors
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CONCLUSION:

This Office recommends that the Board find that both clinical psychologists and the Chief of Psychological Services acted in good faith, without actual malice, and in the apparent interests of the County and that their representation before the California Board of Psychology is in the best interests of the County. This office further recommends that the Board direct County Counsel to secure legal representation for both clinical psychologists and the Chief of Psychological Services at the County's expense.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. T. Fujioka', with a stylized flourish at the end.

WILLIAM T FUJIOKA
Chief Executive Officer

WTF:EFS:SEN:ef

c: Executive Office, Board of Supervisors
County Counsel